IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 876 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 11/11/2004 in WP NO : 20904 OF 2004 on the file of the High Court.)

Between:

The Depot Manager, APSRTC, Rajendranagar Depot,

R.R.District.

..... APPELLANT

AND

V. Maisappa, S/o. Rajayya, R/o. H.No.2-4-669/9, Sunder Nagar,

Kachiguda Kamela, Hyderabad.

.....RESPONDENT

Counsel for the Appellant:MR.V.T.M.PRASAD

Counsel for the Respondent:MR. P. SRIDHAR RAO.

The Court made the following :

JUDGMENT: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ appeal is filed by the appellant aggrieved by the order, dated 11-11-2004 in W.P.No.20904 of 2004 wherein the learned Single Judge disposed of the writ petition directing the appellant-Corporation to conduct an enquiry against the writ petitioner on the basis of the charge memo and pass appropriate orders as per the rules.

The appellant herein is the respondent in the writ petition. Originally, the writ petition was filed seeking a direction in the nature of writ of mandamus declaring the proceedings dated 06-11-2004 issued by the appellant-corporation placing the petitioner under suspension with immediate effect as arbitrary and illegal.

The case of the writ petitioner is that he joined as a Conductor in the appellant-Corporation in 1992 and he was kept under suspension vide proceedings dated 06-11-2004 on the allegation that he collected Rs.2/- from a passenger and failed to issue ticket. The learned Single Judge having observed that the charge levelled against the petitioner is not a grave one, disposed of the writ petition raising the suspension order dated 6.11.2004 passed against the petitioner and directing the appellant-Corporation to conduct an enquiry against the petitioner on the basis of the charge memo and pass appropriate orders as per the rules. Having aggrieved by the same, the present writ appeal is preferred by the appellant-Corporation.

Heard both the counsel.

The learned counsel for the appellant-Corporation contends that even misappropriation of Rs.0.50 ps of public amount is a grave irregularity and the suspension of any person on the allegation of financial irregularities irrespective of quantum of amount, pending enquiry needs no interference and therefore, the order of the learned Single Judge is liable to be set aside.

On the other hand, the learned Counsel for the writ petitioner contends that the petitioner never collected any fare amount from the passenger and the checking squad failed to check the bus cash in spite of repeated requests. He further contends that the learned Single Judge raised only the suspension order and not the allegation under the charge memo and directed the appellant-corporation to conduct an enquiry and hence, order of the learned Single Judge need not be disturbed.

As can be seen from the record, it is noticed that the order under appeal was passed during the pendency of the enquiry against the writ petitioner. When the enquiry is pending, raising of the suspension order by the learned Single Judge is unsustainable and therefore, the order under appeal is liable to be set aside.

In the result, the Writ Appeal is allowed. However, the appellant-Corporation is directed to complete the enquiry pending against the writ petitioner, in accordance with the rules and regulations, within a period of three months from the date of receipt of a copy of this order. It is made clear that the writ petitioner is entitled for the subsistence allowance for the period under suspension. No order as to costs.

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T.MEENA KUMARI , J

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P.LAKSHMANA REDDY,J

Dated:14-06-2005

Sj/Nn

To

1. The Depot Manager, A.P.S.R.T.C., Rajendranagar Depot, Rangareddy District.

2. Two C.D. copies.